



TOWN of NEW HARTFORD  
8635 Clinton Street  
New Hartford, NY 13413-2397  
315-733-7500 EXT. 2324

FOR OFFICE USE ONLY

No. TNH \_\_\_\_\_

## GARAGE SALE APPLICATION AND LICENSE

Location of Sale: \_\_\_\_\_

Dates of Garage Sale: \_\_\_\_\_  
*(limited to no more than seven [7] consecutive days)*

Name of Person Conducting Sale: \_\_\_\_\_

Name of Property Owner Where Sale is to be Conducted: \_\_\_\_\_  
*(if joint ownership, list all names. Written consent of Owner, if other than Applicant, is required; obtain Consent Form)*

Date of All Past Garage Sales in the Town: \_\_\_\_\_

I, the undersigned APPLICANT, hereby CERTIFY compliance with the attached Local Law governing Garage Sales in the Town of New Hartford, New York, and I do hereby acknowledge receipt of a copy of same. I FURTHER HEREBY AFFIRM that the information hereinabove is full and true and known to me to be so.

\_\_\_\_\_  
*(Signature of APPLICANT)*

*(Photocopy Driver's License on Clerk/Police Copies only)*

\_\_\_\_\_  
*(Address of APPLICANT)*

\_\_\_\_\_  
*(Address of APPLICANT)*

\_\_\_\_\_  
*(Phone Number of APPLICANT)*

\_\_\_\_\_  
*(DATE OF APPLICATION)*

Tax Map No: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

AFFIX  
TOWN SEAL

\_\_\_\_\_  
*(Town Clerk or Deputy)*

*Applicant – YELLOW*

*Town Clerk – WHITE*

*Police – PINK*

## Chapter 72 GARAGE SALES

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|---|---|
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| § 72-5. Source of merchandise offered for sale. | § 72-10. Penalties for offenses.                    |

*[History: Adopted by the Town Board of the Town of New Hartford 8-20-1980 by L.L. No. 9-1980. Amendments noted where applicable.]*

### § 72-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**GARAGE SALE** – Includes all sales entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “flea market sale,” or any similar casual sale of tangible personal property which is promoted by any means whereby the public at large is or can be made aware of said sale.

**GOODS** – Includes any goods, warehouse merchandise, or other property capable of being the object of a sale regulated hereunder.

**PERSON** – Includes individuals, partnerships, voluntary associations, and corporations. For the purpose of the provisions of this chapter relating to licensing, “person” shall include family or household groups occupying the same dwelling unit.

### § 72-2. License required. [Amended 4-21-1982 by L.L. No. 1-1982].

It shall be unlawful for any person to conduct a garage sale in the Town of New Hartford without first filing with the Town Clerk the information hereinafter specified and obtaining from such Town Clerk a license to do so, to be known as a “garage sale license.”

### § 72-3. Term and display of license.

A. Such license shall be issued to one person only twice within a twelve-month period, and no such license shall be issued for more than seven consecutive calendar days.

B. Each license issued under this chapter must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

### § 72-4. Required licensing information.

The information to be filed with the Town Clerk pursuant to this chapter shall be as follows:

A. Name of the person, firm, group, corporation, association, or organization conducting said sale.

B. Name of the owner of the property on which said sale is to be conducted and the written consent of the owner if the applicant is other than the owner.

C. Location at which the sale is to be conducted.

D. Number of days of the sale.

E. Date and nature of all past garage sales in the Town of New Hartford.

F. Relationship or connection the applicant had with any other person, firm, group, organization, association, or corporation conducting any past sale and the date or dates of such sales.

G. Whether or not the applicant has been issued any other vendor’s license by any local, state, or federal agency.

H. Sworn statement or affirmation by the applicant signing that the information therein given is full and true and known to him to be so.

### § 72-5. Source of merchandise offered for sale.

The merchandise offered at the sale shall be only used, unwanted items of personal property acquired for normal use by the licensee. No new or used merchandise from other sources shall be offered for sale.

**§ 72-6. Hours of sale. [Amended 6-2-1999 by L.L. No. 3-1999]**

All garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only.

**§ 72-7. Advertisements; signs.**

A. Garage sales may be advertised through the newspaper or other news media. One sign not greater in size than two-by-two feet may be installed on the property where the sale is being conducted. All such signs must contain the name and address of the person conducting the sale.

B. No sign shall be placed on the public right-of-way or on property other than where the sale is being conducted. No lighted signs shall be used.

C. The sign shall be displayed only during the sale, and shall be removed within 24 hours after completion of the sale.

**§ 72-8. Exemptions.**

The provisions of this chapter shall not apply to or affect the following persons or sales:

A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

B. Persons acting in accordance with their powers and duties as public officials.

C. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

D. Any publisher of a newspaper, magazine, or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this chapter have not been complied with.

E. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Town of New Hartford or under the protection of the nonconforming use provisions thereof, or any other sale conducted by a manufacturer, dealer, or vendor, and which sale would be conducted from properly zoned premises and not otherwise prohibited.<sup>1</sup>

F. Any *bona fide* charitable, eleemosynary, educational, cultural, or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

**§ 72-9. Enforcement; responsibility for good order.**

A. It shall be the duty of the Police Department of the Town of New Hartford to investigate any violations of this chapter brought to its attention by complaint or arising during performance of its normal duties.

B. The person to whom the license is issued and the owner of the premises in the case of a license issued to a tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such persons shall permit any loud or boisterous conduct on said premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such persons shall obey the orders of the Police Department or Fire Department of the Town of New Hartford in order to maintain the public health, safety, and welfare.

**§ 72-10. Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

<sup>1</sup> Editor's Note: As to zoning regulations and nonconforming use provisions generally, see Ch. 118, Zoning.